



General Assembly

***Substitute Bill No. 6215***

*January Session, 2003*

***AN ACT CONCERNING DISABILITY RETIREMENT BENEFITS FOR  
CORRECTION OFFICERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2003*) (a) Whenever a  
2       correction officer who is a member of a state employee organization  
3       and a member of the state employees' retirement system, as a result of  
4       a special hazard inherent in the duties of a correction officer, becomes  
5       (1) permanently disabled or permanently unable to render service as a  
6       correction officer, and (2) permanently unable to engage in other  
7       suitable, comparable employment, the state employee organization  
8       representing such member may, but is not required to, petition the  
9       Secretary of the Office of Policy and Management on behalf of such  
10      member for a designation of extraordinary circumstances for the  
11      purpose of calculating such member's disability retirement income.

12      (b) If such petition is granted by the Secretary of the Office of Policy  
13      and Management, or a designee, or as a result of an arbitration  
14      conducted pursuant to subsection (c) of this section, the Department of  
15      Correction shall (1) elevate such correction officer to the highest pay  
16      grade in the member's bargaining unit, effective not later than the  
17      member's last day of active state service, and (2) prepare an application  
18      for disability retirement benefits under the state employees' retirement  
19      system that reflects the salary of such highest pay grade. The  
20      Retirement Commission shall use the salary of such highest pay grade

21 in determining such member's disability retirement income in  
22 accordance with the provisions of chapter 66 of the general statutes.

23 (c) (1) If such petition is denied by the Secretary of the Office of  
24 Policy and Management, or a designee, the state employee  
25 organization representing such member may initiate arbitration by  
26 filing with the State Board of Mediation and Arbitration the sole issue  
27 of whether such member is entitled to a designation of extraordinary  
28 circumstances for the purpose of calculating such member's disability  
29 retirement income. A copy of the filing shall be served on the Secretary  
30 of the Office of Policy and Management. Not later than seven days  
31 after such copy has been served, the parties shall jointly select an  
32 arbitrator. The person selected shall have substantial, current  
33 experience as an impartial arbitrator of labor-management disputes.  
34 Persons who serve partisan interests as advocates or consultants for  
35 labor or management in labor-management relations or who are  
36 associated with or are members of a firm that performs such advocate  
37 or consultant work may not be selected. If the parties fail to agree on  
38 an arbitrator within the seven-day period, the selection shall be made  
39 using the procedures under the voluntary labor arbitration rules of the  
40 American Arbitration Association.

41 (2) In any arbitration proceeding initiated under this section, the  
42 sole issue before the arbitrator shall be whether such member is  
43 entitled to a designation of extraordinary circumstances for purposes  
44 of calculating such member's disability retirement income. The  
45 arbitrator's decision shall be final and binding on all parties and shall  
46 not be subject to appeal under any provision of the general statutes or  
47 under any collectively bargained agreement.

48 (d) Nothing in this section shall be construed to alter the amount of  
49 compensation due any member of a correctional institution pursuant  
50 to the provisions of subsection (a) of section 5-142 of the general  
51 statutes or chapter 568 of the general statutes.

This act shall take effect as follows:
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Section 1	<i>October 1, 2003</i>
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**LAB**      *Joint Favorable Subst.*